
Public Notice

Applicant:
Mark Andol

Date:
Published: December 13, 2002
Expires: ~~January 12, 2003~~

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-TD-R RE: 2002-01985(0) **Section:** NY 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Mr. Mark Andol, 3679 East Blood Road, Cowlesville, New York, 14037, proposes to relocate a section of an intermittent tributary to Bender Creek and pieces of two ephemeral streams during the construction of a pond. The project is located east of East Blood Road at #3679, in the Town of Cowlesville, Erie County, New York.

The project consists of the following:

- a. Approximately 545 linear feet of two ephemeral streams will be diverted or filled during the construction of the approximately 1.88 acre pond. These streams will provide the hydrology for filling the pond and maintaining water levels.
- b. Approximately 1435 linear feet of intermittent tributary will be filled in order to construct the pond berm and protect the toe of the berm from saturation and eventual failure.
- c. As mitigation for the proposed intermittent stream impacts, the applicant proposes to relocate this tributary further away from the toe of the proposed berm. The proposed parabolic channel will continue along the north side of the driveway, cross the driveway via a 40-foot long culvert, and essentially follow the original pathway of this tributary, as reflected in the ground contours. Historic evidence has been presented which suggests that this original channel, which bisects an old agricultural field, was moved by a farmer in order to facilitate tilling operations.

A twenty-foot wide riparian corridor will be planted on either side of the new channel to minimize erosion, protect water quality, and provide some wildlife habitat. Proposed plantings within the corridor include but are not limited to American elder, American cranberry, and ground cover such as periwinkle or crown vetch. Rock channel protection will be installed at the outside curve of the proposed channel upstream of the culverted crossing to reduce impacts to the stream bank by high velocity flows.

No wetlands will be impacted by the project as proposed. The applicant's stated purpose for the project is to enhance lot aesthetics, provide recreational opportunities, and serve as a water source for wildlife.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Elizabeth W. Stone, who can be contacted by calling (716) 879-4363, or by e-mail at: elizabeth.w.stone@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207 3199, and should be marked to the attention of Elizabeth W. Stone, or by e-mail at: elizabeth.w.stone@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

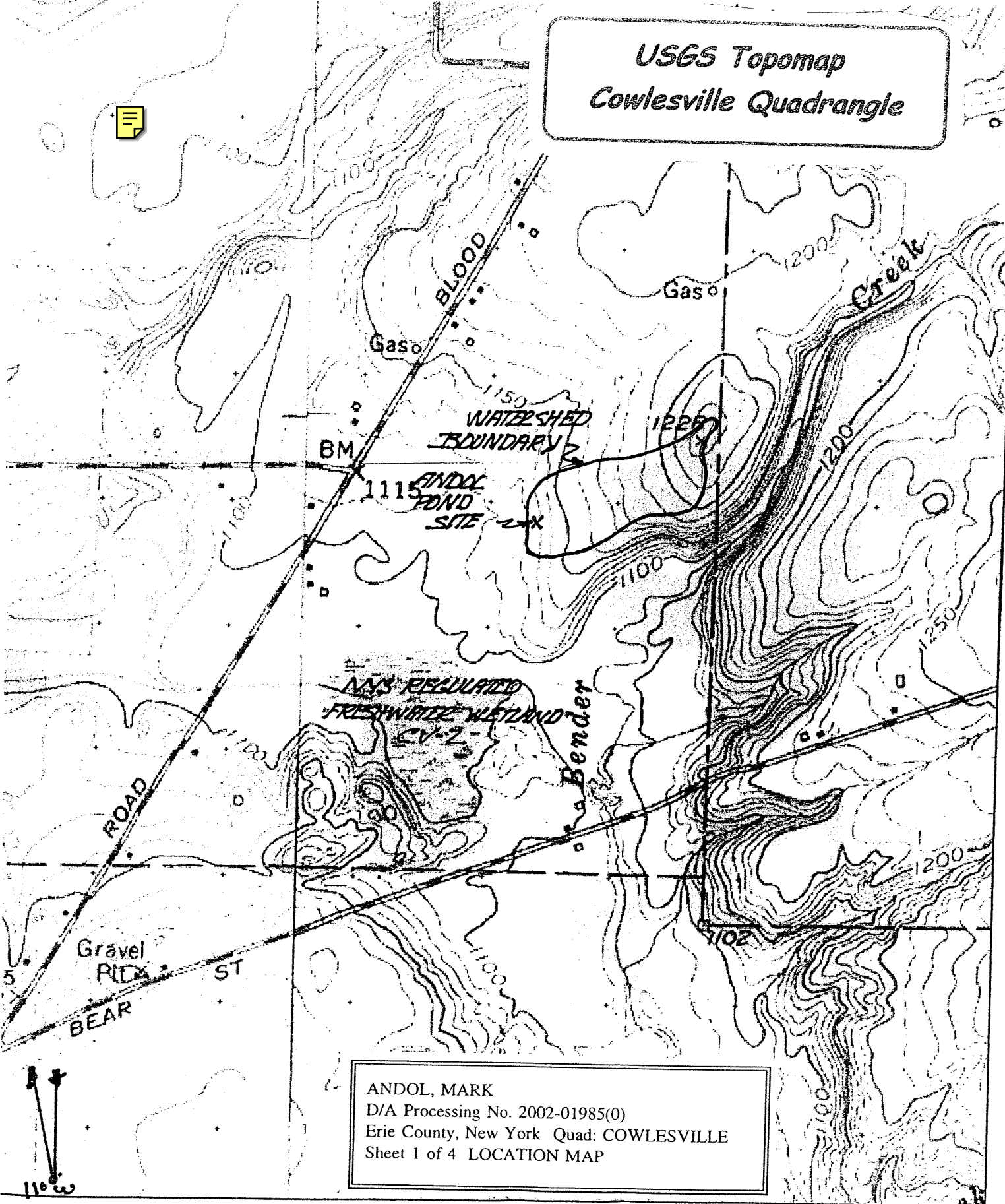
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 302 days from the date of issuance.

USGS Topomap
Cowlesville Quadrangle



ANDOL, MARK
D/A Processing No. 2002-01985(0)
Erie County, New York Quad: COWLESVILLE
Sheet 1 of 4 LOCATION MAP

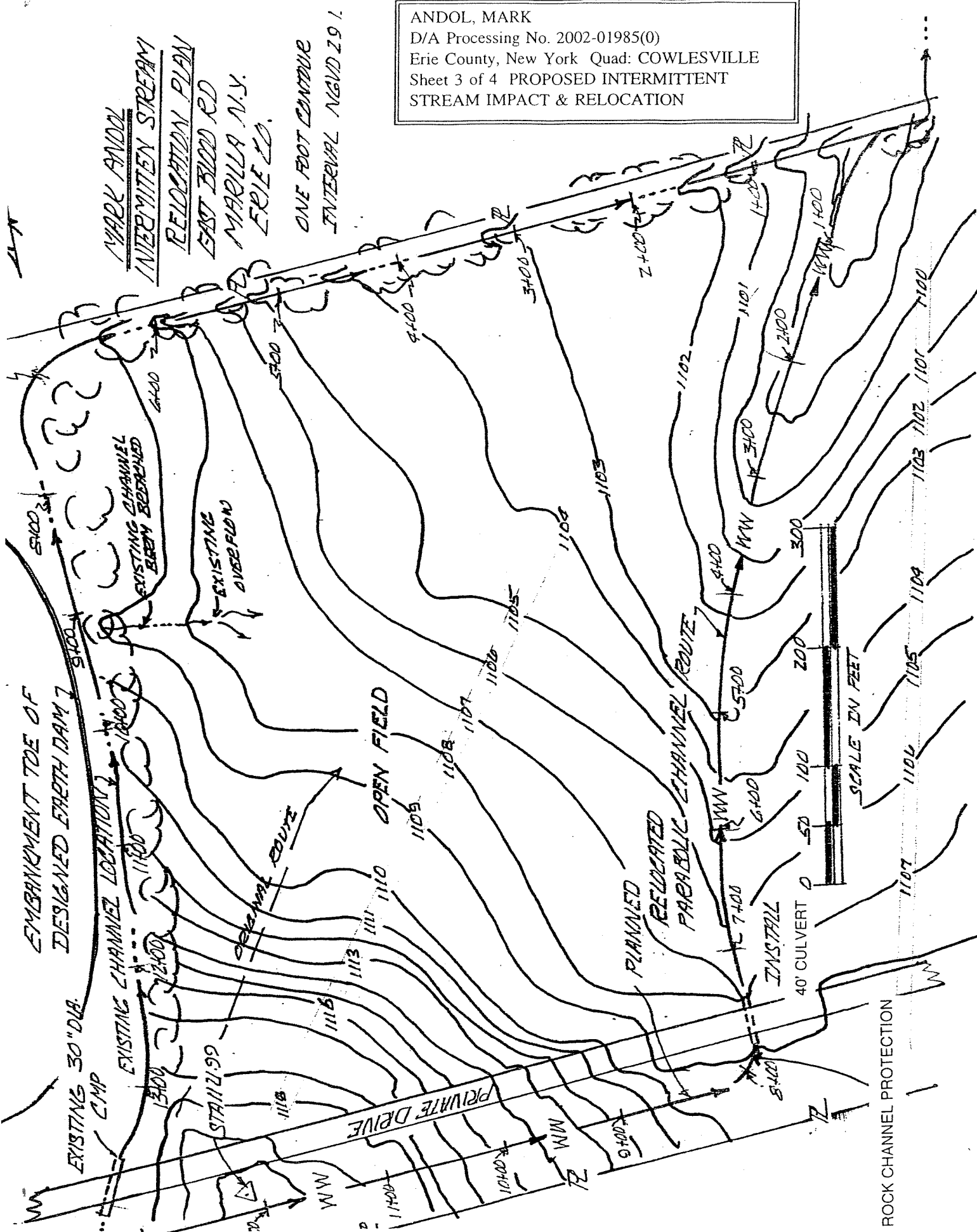
name: COWLESVILLE
date: 4/25/2002
scale: 1 inch equals 1000 feet

Location: 042° 47' 15.4" N 078° 29' 41.0" W

Q - "X" Chiseled in Northwest Corner of Concave Portio,
east West of the Northwest Corner of the Dwelling

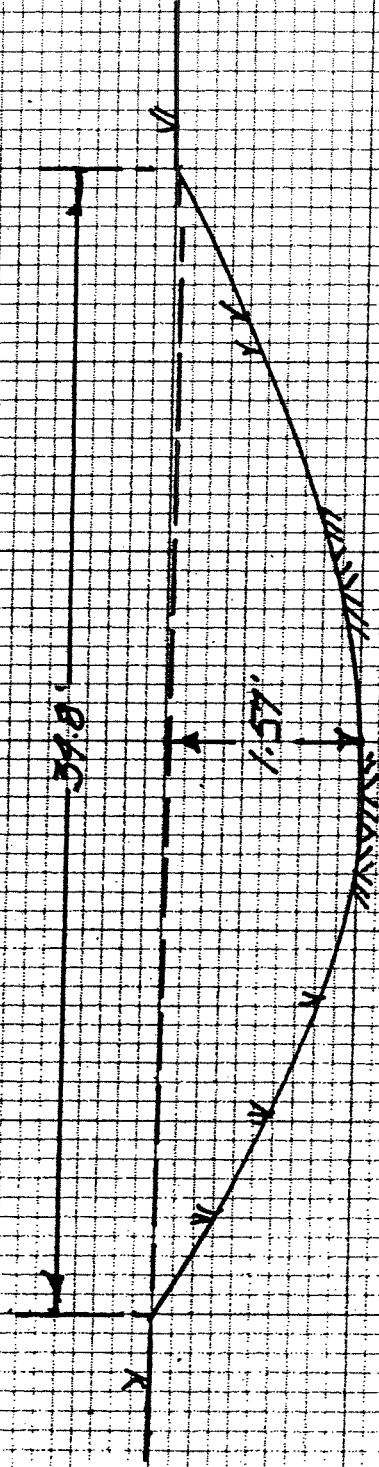


Earthfill Foundations and Construction Details
will be constructed (unreinforced) extended from the permanent pool borrow area, free of organic material and borrow area fill.
The bottom of the dam will be stripped of all and any organic material.
Minimum rock size placed in the fill will be 6 inches. The maximum rock size within 2 feet of the structural face of the drop structure will be 4 inches.
The within 2 feet of structural components of the drop structure, including 2 feet over concrete, will be done temporary. The maximum #11 rebar will be 4 inches.
The concrete will be placed at a minimum 2% of the optimum moisture. Compactive effort to be tested by a certified school.
If in excess of 6 inches in size will be reduced to the downstream toe of the dam to the abutment girder.
Stripped from the foundation and borrow area, will be incorporated within the finished slopes of the earth fill.



MARK ANDOL
INTERMITTENT STREAM
RELOCATION PLAN
EAST BOND RD
MARILLA N.Y.
ERIE CO.
ONE FOOT CONTOUR
INTERVAL NGVD 29.1

ANDOL, MARK
D/A Processing No. 2002-01985(0)
Erie County, New York Quad: COWLESVILLE
Sheet 3 of 4 PROPOSED INTERMITTENT
STREAM IMPACT & RELOCATION



TYPICAL CROSS SECTION OF
DESIGNED REFORMATION CHANNEL
NOT TO SCALE

ANDOL, MARK
D/A Processing No. 2002-01985(0)
Erie County, New York Quad: COWLESVILLE
Sheet 4 of 4 PROPOSED STREAM CROSS-
SECTION

MARK ANDOL
MARQUA NY
BY EMS ASD. 11-102

